

Resolution Agreement
Torrance Unified School District
OCR Case No. 09-14-1438

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), the Torrance Unified School District (District), without admitting any violation of federal law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement).

- A. The District has rescinded the revocation of the Student's interdistrict transfer and enrolled the Student in XXXXXXXXXX Elementary School in the District for the 2015-2016 school year. The District has already provided OCR with a copy of the written confirmation provided to the Complainant.

- B. In order to conduct a complete psychoeducational assessment, Complainant will provide written consent for (1) the District to obtain the Student's 2014-15 school records from all schools attended by Student, and (2) consent for the District to conduct the necessary assessment. Within 50 days of the commencement of the 2015-2016 school year, and receipt of written consent, the District will (1) conduct a complete psychoeducational assessment of the Student utilizing assessment instruments appropriate for the evaluation of Attention Deficit Hyperactivity Disorder, anxiety, and any other suspected disability of the Student, where the assessment will be conducted by a licensed school psychologist; (2) the District will convene an IEP meeting to review the assessment results and determine the Student's eligibility for special education and related services under IDEA. If the Student is found not to be eligible under IDEA, the District will, in the same meeting or within 5 school days, convene a Section 504 meeting to determine the Student's eligibility for special education and related services under Section 504. In addition to the Complainant, pertinent District and school staff familiar with the Student's academic performance and behavioral needs will attend the meetings at which the IEP or Section 504 plan is developed.

Services to be considered during the IEP or Section 504 meetings will include a Behavioral Support Plan, reading interventions, counseling services and classroom accommodations such as extended test time, testing conditions, preferential seating, providing classroom notes, modified homework and weekly progress reports. The IEP or Section 504 team will also determine whether the Student needs compensatory and/or special education or related services. If so, within 5 school days of its determination, the group will develop a plan for providing the compensatory and/or remedial services the IEP or Section 504 team determines are appropriate. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

By October 30, 2015, the District will provide OCR with meeting notes from the IEP and/or Section 504 team meetings, a copy of the procedural safeguards notice provided to

the Complainant and a copy of the Student's IEP or Section 504 Plan, if developed. The District will also provide for OCR approval, the District's decision regarding whether compensatory or special education or related services will be provided and a description of those services, and the reason for them. OCR will communicate its determination by November 30, 2015. If the IEP or Section 504 teams determine that compensatory services are necessary, then the District will provide OCR with evidence that it has provided the services within two weeks of the end of each semester in which they are provided until the services are fully provided.

- C. The District will provide training to XXXXXXXX Elementary School administrators and staff, including individuals involved in referring students for Section 504 evaluations and about student eligibility for Section 504 services. The training will include the following:
- a. The District's Section 504 obligations with respect to identification, evaluation and placement process, and procedural safeguards for parents, including:
 - i. What staff members should do when they suspect a student may have a disability and should be evaluated;
 - ii. The requirement of providing parents/guardians with information about the procedural safeguards when the District has made any determination regarding whether to evaluate a student, whether a student is eligible under Section 504, and what services will be provided to a disabled student under Section 504.
 - iii. The role of the Section 504 coordinator.
 - b. The definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the Americans with Disabilities Act Amendments Act of 2008.¹
 - c. (1) The School's responsibility for conducting an evaluation of a student under Section 504 if it suspects or has reason to suspect that the student needs or may need special education or related services due to a disability; (2) the academic and behavioral indicators for determining when such an evaluation is needed, and (3) examples, pertaining to both physical and emotional/psychological disabilities, of circumstances where evaluation may be needed.
 - d. The full range of services that can be provided under Section 504, including special education and related aids and services.

By September 1, 2015, prior to conducting the training required herein, the District will provide for OCR approval, the name and qualifications of the trainer, and a copy of the training curriculum. OCR will promptly review and approve the training, which will be scheduled within 30 days of OCR's approval. Within ten days after the training, the District will provide OCR with the names and positions of the individuals who received the training.

¹ These issues and other matters related to Section 504/Title II and the Amendments Act are explained in a "Dear Colleague Letter," including frequently asked questions, that was issued by OCR on January 19, 2012. This Dear Colleague Letter can be found at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html>

D. Monitoring

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulation implementing Section 504 and Title II with respect to the issues in this case.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) days to cure the alleged breach.

E. District Visit and Closure

In the event that OCR visits the District during the monitoring of this agreement, OCR will provide 10 days written notice to the District's Director of Special Education.

Upon the District's fulfillment of the terms of this Agreement and OCR's determination that the District is in compliance with Section 504 and Title II, OCR will provide the District with written notice of OCR's closure of its monitoring of the Agreement.

_____/s/_____
Superintendent or District Representative

_____07/21/2015_____
Date

_____E Don Kim, Senior Director, Elementary Schools_____
Printed Name and Title